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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,781	11/10/2003	Satoshi Mizutani	20050/0200483-US0	4387
7278	7590	03/22/2006	EXAMINER	
DARBY & DARBY P.C.			BUI, LUAN KIM	
P. O. BOX 5257			ART UNIT	PAPER NUMBER
NEW YORK, NY 10150-5257			3728	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,781

Applicant(s)

MIZUTANI ET AL.

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-10 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,7 and 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,6,8-10,12-14 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Prosecution Application

The Request for Continued Examination (RCE) filed on 3/6/2006 under 37 CFR 1.114 based on parent Application No. 10/705,781 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 6, 14 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases “the cover which overlaps on a part of the main body” and “said end edge of said cover is curved to a bottom of the individual wrapping container” in claim 5 and “a cover which overlaps a part of said main body” in claim 14 appear a double recitation of claim 10. In claim 6, the phrase “said unwrapping portion” (two places) lacks proper antecedent basis. In claim 18, the phrase “the angle which is made on a place other than the cover is an acute angle” is confusion and indefinite because it is not clear which is a place other than the cover? is it the main body?

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (6,270,486; hereinafter Brown'486) in view of Farris et al. (6,131,736; hereinafter Farris'736) or Berg, Jr. et al. (5,484,636; hereinafter Berg'636). Brown'486 discloses a wrapping body in the embodiment of Figures 8-9 comprising a twofolded interlabial pad (20) and an individual container (50) for individually wrapping the interlabial pad and the interlabial pad in the wrapping container is arranged on a position where at least one part of the interlabial pad is held at the same time when the wrapping container is held. The wrapping container including a main body for containing the interlabial pad and a cover (see below) that covers a part of the main body. The cover forming an unwrapping portion defined by an opening tab/end edge portion (56) and the wrapping container has a predetermined region (on the main body) where a finger of a wearer is applied. Brown'486 further discloses the end edge portion of the cover can be of any suitable configuration (column 15, lines 50-53). However, Brown'486 fails to show the end edge of the cover being curved to a bottom of the wrapping container.

Farris'736 shows a wrapping container (40) for wrapping an absorbent pad such as an interlabial pad (20) and the container having a curved opening tab (55, Figure 4). Berg'636 suggests an individual wrapping container (34) comprising a main body (51, 52a) containing an absorbent pad (20) and a cover (52b) that covers a part of the main body. The cover forming an unwrapping portion at an end edge portion (32, Figure 4) to be unwrapped to open the wrapping container and the end edge of the cover is curved to a bottom of the individual wrapping container.

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It would have been obvious to one having ordinary skill in the art in view of Farris'736 or Berg'636 to modify the end edge of the cover of Brown'486 so the end edge of the cover is curved to a bottom of the individual wrapping container to facilitate unwrapping and such modification is disclosed by Brown'486 as indicated above that the end edge of the cover can be of any suitable configuration.

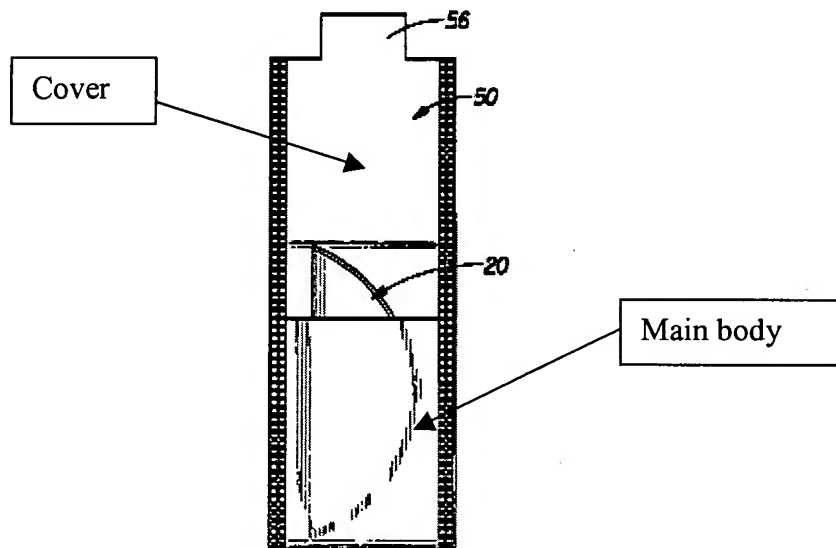


Fig. 9

As to claim 6, Brown'486 discloses the cover comprises an overlapping portion that is formed by overlapping both ends of a wrapping sheet.

As to claims 8 and 9, Berg'636 suggests a resealable sealing means (55, column 10, lines 20-25) on a portion where the cover and the main body are brought into contact and the sealing means (55) has a dry edge (Figure 4A).

As to claims 12 and 13, Brown'486 discloses the interlabial pad and the wrapping container have a longitudinal direction and a lateral direction and substantially form an elongated shape in the

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longitudinal direction. The embodiment of Figures 8 and 9 of Brown'486 appears to show the wrapping container is in a range of 105 to 130% of a dimension in the longitudinal direction of the interlabial pad. Brown'486 also discloses a length of the interlabial pad greater than about 60 mm and less than about 127 mm and a width is between about 25 mm and about 40 mm (claim 1).

As to claim 14, Brown'486 discloses the cover and the main body are lightly bonded to each other at both end portions (column 15, lines 50-52) in a perpendicular direction to an unwrapping direction of the wrapping container.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 10 above, and further in view of the published Japanese Patent Application No. 2000-051265 to Kao Corp (hereinafter Kao Corp). Brown'486 further fails to show an internal surface of the main body comprises a fine projection. Kao Corp shows an individual wrapping container (1, 3) comprising a main body containing an absorbent pad (2) and a cover that covers a part of the main body (Figure 4). An internal surface (6) of the main body comprises a fine projection (page 5, paragraph 0011). It would have been obvious to one having ordinary skill in the art in view of Kao Corp to modify the main body of Brown'486 as modified so an internal surface of the main body comprises fine projection for better securing the pad.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 10 above, and further in view of Castaneda (3,970,087). To the extent that the Examiner can determine the scope of the claim, a center part of the end edge of the cover of Brown'486 is curved as modified with non-bonded edge line. However, Brown'486 fails to show

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the angle which is made on a place other than the cover is an acute angle. Castaneda shows an individual wrapping container (10) comprising a cover (22) having an end edge and a side (next to edges 30-36) extending parallel to the direction of the unwrapping the cover formed an angle and the angle which is formed on a place other than the cover is an acute angle (Figures 1-2). It would have been obvious to one having ordinary skill in the art in view of Castaneda to modify the wrapping container of Brown'486 so the angle which is formed on a place other than the cover is an acute angle to facilitate unwrapping the container.

Response to Arguments

Applicant's arguments with respect to 3/6/2006 have been considered but are deemed to be moot in view of the new grounds of rejection.

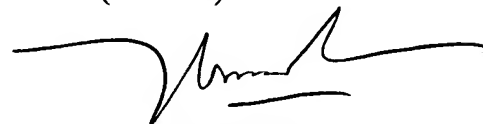
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. **The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Formal papers and After Final communications.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lkb
March 19, 2006



Luan K. Bui
Primary Examiner
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